

The Pocahontas Times.

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\$1.00 A Year

ATTORNEYS-AT-LAW

A great deal is being accomplished or being committed, as you view it, in raising the standard of admission to the bar. Many an old lawyer who has made a success in the profession is so far forgetful of his own harrowing experience as to advocate such strict rules as must necessarily have debarred him if they had been in force when he strayed into the profession.

With a good many of us it is an unwelcome subject on this account. It does not seem consistent to require more of the boy today than was required in former times, yet it was a hardship on the public that lawyers shall be educated at its expense. If the present crop of lawyers did not need replenishing from time to time the answer would be easy. But they get old and die. If it is made easy for lawyers to qualify there will be a long list to those capable men from otherwise the list will be short. On the whole then it seems best to let or make it possible for everyone who thinks he would make a lawyer to have a chance by qualifying. The power of diagnosis, which is the one thing that makes a lawyer, is found lurking in the most unexpected minds, while often the most brilliant men are absolute failures as lawyers. They lack the power to distinguish and discriminate between things or conditions of a similar nature.

The long and expensive college course is now universally recommended by lawyers who could not have taken one in their boyhood had their lives depended upon it. It puts a handicap on some boys that it is impossible to overcome. With others, if it is required, a way will be found to give the boy a college course, which otherwise he would have been deprived of. An educated ministry is an old cry among the churches but we have seen some college bred ministers who were dry as dust, pompous as Pontius Pilate, and who brought on weekly fits of sleep. It is to be hoped that a plan will be evolved by which education will be encouraged and yet at the same time, let in those who will make good lawyers, even if they have no rich father to give them an expensive education. Those lawyers who entered the profession like a steer jumping into a cornfield, in the meantime, should keep more or less quiet about high educational standards.

The most determined effort to limit the number of lawyers in this State, was the act of February 14, 1866. The State was full of Confederate lawyers. They were the chief speakers and advocates of secession and most of them served in the army. After the war those attorneys who took the oath of amnesty on the terms prescribed by the President of the United States were allowed to qualify to practise. After the January Term of the Supreme Court, William A. Quarrier, of Kanawha county, a Confederate soldier, prosecuted his appeal from the Circuit Court of Kanawha county which had refused him license to practise. He had been a practicing attorney before the war. The Supreme Court held that he had a right to practice law.

This was in January and in February of the same year the legislature of this State passed an act requiring every lawyer to take the following oath:

"(I. A. B.) do solemnly swear that I have not, since the twentieth day of June, eighteen hundred and sixty-three, borne arms against the United States, nor against the State of West Virginia; that I have voluntarily given no aid or comfort to persons engaged in armed hostility thereto, by countenancing, counselling or encouraging them in the same; that I have not sought, accepted or attempted to exercise the functions of any office, whatever, under any authority in hostility to the United States, or the State of West Virginia; that I have not yielded a voluntary support to any pretended government, authority, power,

or constitution, within the United States, hostile or inimical thereto; that I take this obligation freely, without any mental reservation or purpose of evasion."

This is given in full because of the language therein. It is something of an oath and it searches the heart of a southerner who wanted his side to win. "They fix attention, heedless of your pain, with oaths like rivets forced into the brain."

Note the part of the oath about the mental reservation. That is from an oratorical period of Abraham Lincoln in his first inaugural address: "I take the official oath today with no mental reservations and with no purpose to construe the constitution by hypercritical rules."

This oath cut off the litigious terms, fat contentions and flowing fees of the rebel lawyers. Then came Mr. Quarrier again to the Supreme Court and that court held that the legislature had power to pass such an act and that it was constitutional and that if any confederate took such an oath that it showed such moral turpitude that he was not a fit man to practice the honorable profession. They said it was like the legislature prescribing that judges, governors, and senators should be of a certain age before they could hold office. As for the harshness of the terms of the act, it was mild in comparison to the acts of Virginia, in 1792, making it an offense punishable by imprisonment for any person found at large in that state who had borne arms against the United States, which statute remained in force until 1849. Or the ordinance at Richmond of May 1st, 1861, providing that any person convicted of counselling, aiding or abetting the United States shall be guilty of a felony, and imprisoned not less than five nor more than twenty-five years, and fined not less than \$100 nor more than \$10,000.

The court thought that act by comparison showed progress in moderation, and expressed a hope that charity would yet do its perfect work, nor wait unduly. They also held that if tested by the golden rule, it certainly came short, but refused to recognize that rule binding on that court as then constituted.

Pocahontas county had a lawyer who went up to the Supreme Court on account of this statute but in another way. At the close of the war Captain D. A. Stofer, generally referred as Count Stofer was a resident lawyer. He was a single man who departed this life in this county some twenty-odd years ago. He was a veteran of both the Mexican war and the Civil war. One of the classics of the county is the retort that a witness, an old man, made to him when he was worrying him on cross examination. "Air you Captain Stofer? Why, I aint seen you sence the year 1847, and then you was a-hugging of a Mexican woman."

Captain Stofer was captain of Company I, 25th Regiment, Virginia Infantry, C. S. A. This was the Huntersville company which like the Greenbank company fought on the southern side until practically annihilated. The Huntersville company fought in the following battles: Phillipi, McDowell, Winchester, Cross Keys, Port Republic, Seven days fight around Richmond, Slaughter Mountain, Second Manassas, Brimlow Station, Sharpsburg, Fredericksburg, Second Winchester, Gettysburg, Mine Run and the Wilderness. At the Wilderness seventeen prisoners were taken in this company.

Captain Stofer forgetful of such small battles as he had been engaged in, took the oath above set forth at full length at a circuit court held June 3, 1867, and was promptly indicted for perjury at the same court. He was afterwards tried and sentenced to imprisonment. Caleb Boggess as attorney took the case to the Supreme Court, and Judge Berkshire, at the January term, at Wheeling, in 1869, found a flaw in

the indictment and turned the captain loose. By that time the wind had become considerably tempered to old soldiers and he had no further trouble. He was afterwards prosecuting attorney of the county.

About the last chapter to be written of the great war was this contest over attorneys, and the following written by E. C. Steadman during John Brown's trial may serve as a sample of one of the first chapters. And the lawyers wrote it:

"But, Virginians, don't do it, for I tell you that the flagon Filled with blood of Old Brown's off-spring, was first poured by Southern hands; And each drop from Old Brown's life veins, like the red gore of the Dragon, May spring up a vengeful Fury, hissing through your slave worn lands; And old Brown, Ossawatimic Brown, May trouble you worse than ever when you've nailed his coffin down."

REUNION AT HINTON OCT 4

West Virginia Division Headquarters, United Sons of Confederate Veterans: Union Monroe County, W. Va., August 15th, 1911.

Whereas, a Reunion of the West Virginia Division of the United Confederate Veterans has been called to meet at Hinton on the 4th day of October, 1911, therefore, by virtue of the authority vested in me and in accordance with Sec. 54 of Art. IX of our general Constitution, the Third Annual Reunion of the West Virginia Division of the United Sons of Confederate Veterans is hereby called to meet at Hinton, W. Va., October 4th, 1911, at 11 o'clock a. m.

This Reunion Convention will be composed of representatives from the Camps of this State, each camp being entitled to at least two delegates, or one for each ten members or fraction over five, and so far as applicable, shall be governed by rules made for general reunions.

The program will be arranged by Camp Bob Christian No. 876, and the local committees thereof who are hereby given due authority therefor, and the several camps notified in due season.

By order of
A. S. JOHNSTON,
Division Commander.

SCHOOL OPENING

The Public and High School of Marlinton will open Monday September 11, 1911.

We hope to see every boy and girl of school age present on that day, and may they be present every day that they may not fall behind their grades and receive full benefit of the school.

The High School is open free of tuition, to every boy and girl of Edray District who has completed the "Common school" branches, and we invite every boy or girl of the district to take advantage of this opportunity to get a thorough preparation for college at home.

To THE PARENTS: Permit me to say that the high school period of the boy or girl life, is the most critical, because it is the period that largely determines what the future life of the boy or girl will be. How important then that they be sent to a good school at home, where they may be under the direct oversight of their parents, and where they may not come under evil influences and fall into ways of wickedness and vice. The home and the school should be mutually helpful, and each should exercise its influence for the good of the boy or girl. The school needs the hearty cooperation of every patron and the school suffers when you withdraw your help or when you give cold, mistaken criticism, instead of timely counsel or sympathy. Send your boys and girls to the school and with them, send your kind sympathy, and success will be the result.

C. B. CORNWELL, Principal.

Dead letters for week ending September 2, 1911.
Brown, Robert
Faulkner, Jake
Messer, Mrs. Nancy
Zepp, L. P.
Will be sent to dead letter office Sept. 10, 1911.
A. S. Overholt, P. M.

GAME PRESERVE NEAR MARLINTON

By the passing of deer, bear, turkey and other game birds from the favored hunting grounds, State Game Warden J. A. Viquesney has been incited to look about for a place in which to preserve the beauties of the jungle and to perpetuate the recreation days of camp and chase, and has finally found the ideal spot, and interested a number of real and nature loving sportsmen, and purchased the lands and secured the necessary leases.

The location is about 10 miles east of Marlinton, in Pocahontas county, on the Marlinton and Hot Springs pike in the foothills of the Alleghenies on the waters of Knapps Creek and its tributaries. A fine club house will be located at Drisco, near the site of the Minnehaha springs, which flows daily its 700,000 gallons of healing waters, clear as crystal, sparkling and bubbling with its myriad life giving qualities. This spring, Dr. J. B. Lockridge, its owner, is equipping with bath rooms and every modern appliance. He will erect a large boarding house, stables and everything necessary to make pleasant the hours of the tired, the sick, the weary and the worn that may seek the spot. Dr. Lockridge has laid off and sold thirty lots to persons in that section of the state who will build summer residences near the laughing spring.

It is the intention of the promoters to make an artificial lake where there was once a natural lake of about 100 acres and to stock it with fish. Besides this, all the tributaries and Knapps creek are fine fish streams. A fish hatchery will be built and much attention will be given to raising turkey, deer, pheasant, and quail. A large club house will be erected on the top of the knoll overlooking the valley in many directions. The hill is covered with a dense cluster of second growth of white pine, which, like the deer, is almost gone.

It is intended to make the preserve an ideal spot to spend either summer or winter and a place where anyone can take his family and at little cost find real rest and recreation.

The climate there in winter is not so severe but what any one can enjoy the pleasure of a hunting outing at any time and in summer no place can surpass it for pleasant, quiet nerve resting weather. The nights are cool all summer and while those at the popular resorts are tossing in sweltering heat the man in the foothills of the Alleghenies is quietly resting in a sleep that is recuperating and invigorating.—Charleston Gazette.

BARTOW

We had a good rain last week which was badly needed.

Picking blackberries has been the order of the day here but they are about gone now.

C. M. Keller was repairing the telephone line between Bartow and Virginia, Friday.

K. B. Wilmoth attended the teachers institute at Elkins last week.

Sam Elliott and Lanty Wood-dell are building a house for Sam Spencer.

J. J. Spencer was in town Tuesday.

Willie Varner passed through town Friday.

Sam and Charles Spencer are attending the teachers institute at Franklin this week.

Jesse Hiner's automobile took a "dead set" on the mountain about five miles above town Wednesday evening, and he had to come back to town for batteries before it would move.

Mr. and Mrs. Frey, of Jackson county, are visiting their daughter, Mrs. Dorsey Freeman.

The Church of the Brethren held their communion service at the top of Alleghany Saturday evening.

Luther Flynn was in this section last week selling books.

Rev. John Glick, of Virginia, who has been doing some good preaching in this section for some time, left the first of the week for his home. We are sorry to see him go.

Mrs. Robert McLaughlin and son, of Danmore, attended the communion Saturday evening.

Mrs. Norlie Burner, of Durbin, was visiting her mother, Mrs. Thompson, last week.

W. B. Simmons is scaling logs for Howard Wilfong on Back Creek.

FINANCIAL STATEMENT

of Pocahontas County

(Continued from last week)

FINANCING FIRE

H W Cassell	1 00
John Cassell	1 00
Jacob Cassell	1 00
A C Cassell	1 00
P L Swink	1 00
R L Swink	1 00
R C Shrader	40
John F Shrader	40
Alva Reed	40
Worthy Reed	40
Talbert Carpenter	40
Luster Shrader	40
Winston Grimes	40
Hugh Grimes	40
John W Rider	40
William C Alderman	4 50
I P Dean	3 50
Ellis Dean	4 50
Forrest Dean	4 50
Carl Dean	4 50
G D Rimmel	7 00
H L Rimmel	3 50
G M Jordan	1 20
Scott Kelley	1 80
John Platt	60
J H Bennett	60
J J Meadows	60
J P Meadows	60
C F Adams	60
T S Dulaney	1 00
W E Woods	1 00
J L McNeil	1 00
W F Sharp	1 00
Ernest Sharp	5 00
Mitchel Sharp	1 50
John W Rider	1 50
Austin Sharp	1 50
G Mervin Sharp	2 50
C C Sharp	2 50
Ernest G Sharp	28 74
Same	23 60
Same	3 00
E N Moore	1 00
George Hoover	1 50
Frank Arbogast	1 50
Garfield Grimes	1 50
Hays Grimes	4 50
Pocahontas Lumber Co.	195 80
J D Dilley	7 00
Daniel Crouse	1 80
Wallace Symms	2 40
J F Ashford	2 00
John Burke	4 60
W A Bexrode	1 75
Tobias Moss	4 60
W M D Lester	4 60
G B Wanless	4 60
Kenny Underwood	4 60
Harrison Underwood	4 60
Huston Gaylor	3 80
C W Underwood	4 60
L E Gaylor	4 60
Tyler Symms	4 60
F S Underwood	4 60
R L Symms	4 60
H Lee White	4 00
Moser Herold	2 00
Raymond Lockridge	2 00
Sterling McElwee	2 00
C P McElwee	2 00
H D White	4 00
W H Alderman	4 50
James A Reed	2 00
Clyde McLaughlin	2 00
Harry McLaughlin	2 00
Dick Hull	2 00
Frank Collins	2 00
James A Reed	2 00
Winfred Moore	2 00
Everett Herold	2 00
Dick Hull	2 00
Cecil Sheets	2 00
T S Dulaney	1 00
W E Sharp	1 00
E D Kiner	1 00
Levi Baxter	1 00
S C Baxter	1 00
T S Dulaney	1 00
M F White	1 00
S C McClure	1 00
Howard Meeks	1 00
Ernest Jackson	1 00
J H Galford	1 00
Jasper Dilley	5 60
J W McCarty	60
Willie Dilley	60
R C Shrader	1 00
S R Hogsett	3 20
Ed McLaughlin	1 00
John Loury	1 00
O E McKeever	80
Geo Shrader	1 40
Hevener Dilley	1 80
Luster Shrader	6 10
Cecil Collins	2 00
Wis Collins	2 00
Wise Herold	2 00
Pearl Moore	2 80
Moody Moore	2 80
Ed Fenwick	2 80
Elbert McCarty	2 00
Coe Beverage	2 60
Wm L Moore	3 80
Davis Dilley	3 80
Cecil Dilley	6 40
I P Shrader	5 70
Ira M Moore	8 00
Amos McCarty	4 00
C K Moore	4 00
A C Moore	4 00
H H Waugh	80
Marion Galford	80
T S Dulaney	1 00
D W Sharp	1 00
U S Gilmore	1 00
Page Friel	1 00
E D Burner	4 00
J W McLaughlin	4 00
French Sutton	2 90
French Sutton	1 00
Walter Ruckman	1 00
O W Ruckman	1 00
Rogers Sheets	1 00
French Sutton	1 50
Willie Sheets	1 50
Peaville Sheets	1 50

Gilbert Sheets	1 50	Roy Shears	9 40
Ed Hudson	1 50	Chas Nottingham	10 70
J F Ashford	3 00	Sam D Hannah	9 50
William Arbogast	2 00	A O Baxter	6 10
Lanty Rider	3 00	Willie McComb	8 90
Russell Crowley	3 00	D W Dever	9 50
R S Fitzgerald	3 00	G L Aldridge	10 10
R D Rimmel	1 00	Wallace Kershner	10 10
William C Alderman	1 00	J A Sheets	11 90
J W Rider	1 00	B M Yeager	11 90
H L Rimmel	1 00	Thomas Cummings	12 00
S L Rimmel	1 00	Porter Kerr	11 80
R L Rimmel	4 00	J J Coyner	7 50
William C Alderman	2 00	Elmer Fosge	7 50
Forrest Dean	4 00	Wm Gibson	8 70
Carl Dean	4 00	Sherman Gibson	9 90
J A Reed	2 00	J A Reed	6 90
Wallace McLaughlin	4 00	Wallace McLaughlin	7 00
C C Sharp	4 00	C C Sharp	10 00
M L Beard	5 00	M L Beard	9 40
A W Hill	5 00	A W Hill	10 30
M F Ruckman	5 00	M F Ruckman	8 80
H L White	3 00	H L White	8 00
Samuel Sheets	3 00	Samuel Sheets	8 00
Kenny Wade	5 00	Kenny Wade	7 20
T R Beverage	5 00	T R Beverage	9 00
John Gibson	3 00	John Gibson	7 90
E N Moore	3 00	E N Moore	8 40
W B Moore	2 00	W B Moore	6 00
G W L Buzzard	2 00	G W L Buzzard	6 10
Hevener Dilley	2 00	Hevener Dilley	7 30
O L Orndorf	2 00	O L Orndorf	9 30
E H Hamrick	1 00	E H Hamrick	8 30
J G Sharp	1 00	J G Sharp	5 10
John A Beverage	1 00	John A Beverage	5 80
John Eagle	1 00	John Eagle	8 30
P M Yeager	1 00	P M Yeager	8 30
W H Grose	1 00	W H Grose	4 60
A W Hill	3 00	A W Hill	10 30
W M Irvine	1 00	W M Irvine	7 00
W H McLaughlin	3 00	W H McLaughlin	4 80
Jacob Hill	2 00	Jacob Hill	4 00
John Gibson	2 00	John Gibson	5 20
W S Darnell	2 00	W S Darnell	10 50
Chas Shinnaberry	2 00	Chas Shinnaberry	5 60
C O Wanless	2 00	C O Wanless	7 00
G L Hannah	2 00	G L Hannah	7 40
Ellis McCarty	2 00	Ellis McCarty	7 20
Thomas Cummings	3 00	Thomas Cummings	8 00
I B Moore	3 00	I B Moore	7 60
S B Nethkins	3 00	S B Nethkins	6 50
S P Curry	4 00	S P Curry	2 60
R D Rimmel	1 00	R D Rimmel	9 40
W H Barlow	1 00	W H Barlow	6 60

\$770 01

MISCELLANEOUS

J S McNeil, Ex-Sheriff Or for John Boblett road capitation	\$ 1 00
S L Brown, Exam land & personal books	30 00
J H Buzzard, sheriff paid freight claims	66 94
Henry Fleener, reviewing new road, Greenbank	2 00
C J McCarty, reporting marriage licenses	6 15
C J McCarty paid freight and express bills	6 95
Floyd Dilley, copying road claims for Duncan	2 25
J G Tilton, recording old settlement prior to C J McCarty's term of office	18 00
Dearing & Scott, oil for Kitle, auditor Accts	2 10
Gay & McLaughlin, team for county services	1 50
H K Mulford Co. antitoxin	11 75
Geo W Duncan, rent & light B of rooms	36 00
C J McCarty, making financial statement 1910	35 00
J G Tilton, copying Deed book No. 7	116 25
Barlow & Moore, assignee painting Buckeye bridge, etc.	107 47
Jake Weiford, surveying Lobelia road	2 75
Georga Szymor, surveying Lobelia road	2 75
Graham Larew, surveying Lobelia road	2 75
George M Kee, jury com'r.	8 00
Geo P Moore, jury com'r.	8 00
West Va School for D & B Clothing for inmates for county	37 40
C J McCarty, reporting marriage license	5 35
J G Tilton, making settlement with sheriff & Boards of Education	30 00
G W Sharp Same	30 00
M Lee Beard, services as Board of Equalization	32 00
G W Wilson, Same	32 00
James A Reed Same	32 00
Geo W Duncan, bill county fund	158 74
C J McCarty, Ex. land & personal prop. books 1909	30 00
C J McCarty, preparing financial statement 1908	35 00
J G Tilton, settlement Sheriff, Co & road funds	30 00
G W Sharp, Same	30 00
Barlow & Moore, assignee county order	3 00
J E Liddle, county order	3 64
S B Moore, agricultural report	100 00
A O Baxter, surveying county line	27 50
W McClintic, work for county	40 50
Kelley Springfield Road Roller Co., road roller,	2500 00
James F Darnell, services as county Com'r	74 03
R b Hickman Same	81 50
W A G Sharp, Same	98 00
W W Whitehill, lumber for bridge	16 49
	\$3,924.64.

GRAND JURORS

D. C. Morrison 10.10
H. Frank Arbogast 10.60
E. N. Moore 8.50

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